



MONTANA

DEPARTMENT OF COMMERCE

Community Development Division

Delivering Local Assistance Program

Application and Guidelines

Applications accepted from June 1, 2019 - September 30, 2019

DOCCDD@mt.gov
comdev.mt.gov/

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DELIVERING LOCAL ASSISTANCE PROGRAM

The Delivering Local Assistance (DLA) Program is a state-funded program created in 2019 as a result of House Bill 652 (HB 652), Sections 1 through 8. HB 652 authorizes funds to be awarded to local governments to complete infrastructure projects through grants. These application guidelines explain how to complete the application process to be considered for an award of funds through the DLA program.

The Montana Department of Commerce (Commerce) administers the DLA program through the Community Development Division (Division). Division staff will receive and review applications to establish a prioritized list. Awards will be ranked based on a prioritized list using criteria established in HB 652 and developed by Division staff. Awards will be approved by the Department of Commerce Director. As applicable, all projects must follow the requirements in the most current version of the [Treasure State Endowment Program \(TSEP\) Manual](#), as applicable; as outlined in the contract with Commerce.

Eligible Applicants

Eligible applicants who are impacted by natural resource development may apply for eligible infrastructure projects. Eligible applicants are local governments including an incorporated city or town, a county, a consolidated local government, a tribal government, a county or multicounty water, sewer, solid waste district, school district, or an authority as defined in 75-6-304.

Local governments must be able to demonstrate an impact to an existing or future population caused by a growth or decline associated with coal, oil, gas, or timber development within the county where the local government is located. Any eligible local government must have recorded production taxes of coal, oil, or gas, or total timber harvested as reported by the Montana Department of Revenue, Montana Department of Natural Resources and Conservation, or other federal and state agencies. The level of impact must be further described by the applicant through the applicant's application responses.

Eligible Projects

Eligible applicants can apply to complete infrastructure projects that solve a deficiency related to the following project types: drinking water systems; wastewater treatment; sanitary sewer or storm sewer systems; solid waste disposal and separation systems (including site acquisition, preparation, and monitoring); bridges; facilities for government administration; public safety infrastructure related to law enforcement, fire protection, or emergency services; or school district infrastructure projects. A school district infrastructure project means a project: that is related to life safety or security issues; for major repairs or deferred maintenance in an existing school facility; or for major improvements or enhancements to an existing school facility.

Eligible applicants may apply for multiple projects. Eligible projects must be stand-alone with proposed project components being integral to addressing the infrastructure deficiency. Stand-alone projects must not be reliant upon a future scope of work.

Eligible Funding

The maximum amount of funding cannot exceed \$750,000 per project from the DLA program. Further, the maximum amount cannot exceed \$1.5 million, per county, from the DLA program.

If an applicant submits more than one application, the applicant must present which project is the highest local priority for funding consideration and is ready to proceed with project activities beginning October 1, 2019.

Applicants that apply for the DLA program, who also applied during the 2018 TSEP funding cycle and did not receive legislative approval (as proposed within HB 11 or HB 652), can only apply for the amount originally recommended in the

2021 biennium report. Substantial changes to the project will require a new application from the local government, submitted to Commerce by the application due date. For those projects that did not have substantial changes from an application submitted for TSEP funding during the 2018 TSEP funding cycle, but did not receive approval, only Section I and Section II (Natural Resource Development Impact) of the application must be completed.

Application Submission

Eligible applicants may submit proposals for infrastructure projects beginning June 1, 2019 but no later than September 30, 2019. Eligible applicants must submit all applicable application materials to Commerce no later than September 30, 2019 for any infrastructure projects, as described in these guidelines, to be eligible for funding. Incomplete applications will not be reviewed or ranked after September 30, 2019.

During the review process, Commerce may communicate and/or request additional information, if necessary, to clarify or better understand the proposed project. Original 2018 TSEP program grant application materials may be used to ensure that all project components are reviewed for DLA funding, as applicable.

1. Completed applications must be received by Commerce no later than 5:00 p.m. or postmarked on September 30, 2019.
2. Send one (1) printed hardcopy and one (1) electronic copy (CD, file transfer service at <https://transfer.mt.gov/> or email submission if the file size permits).
3. Please send your completed application to:

Montana Department of Commerce
Community Development Division
301 S Park Avenue
PO Box 200523
Helena, Montana 59620-0523
DOCCDD@mt.gov

Award Process

Once applications have been received, Commerce staff will review and create a prioritized list to award funding. For projects having equal ranking, higher consideration will be given to those applicants that have a higher score related to the impact of coal, oil, gas, or timber development. Funding will be made available to grant recipients as they meet the start-up conditions established in House Bill 652, Section 5(1) passed during the 2019 legislative session. All grant recipients must meet start-up conditions no later than September 30, 2020, or the grant obligation is terminated.

Factors that will be considered to establish the grant prioritized list include: funding limitations (\$750,000 per project and \$1.5 million per county); equal ranking; financial need considerations; availability of non-DLA funds; and the ability of the applicant to meet the following start-up conditions:

1. Documentation of firm commitment of other non-DLA funds required for completion of the project.
2. Project management plan that is approved by Commerce.
3. Documentation of compliance with the auditing and reporting requirements listed in 2-7-503, MCA.
4. Documentation of an established financial accounting system that Commerce can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with auditing and reporting requirements provided for in 2 CFR part 200.
5. Documentation of any conditions described in the TSEP 2021 biennium report and project summaries as well as the DLA report and project summaries (as applicable).
6. Documentation of other specific requirements considered necessary by Commerce, such as completion of a technical document or environmental review process, and
7. Or other items identified in the project implementation schedule, such as environmental, procurement or other administrative tasks.

8. Execution of a contract with Commerce.

Additional Considerations

Amounts requested should be rounded to the nearest whole dollar amount.

All awarded applicants will be required to carry out activities according to the most current version of the TSEP Grant Administration Manual found on the following webpage <http://comdev.mt.gov/programs/TSEP>. The manual includes information regarding disbursement of funding in more complete detail; however, all awarded grant funds will be disbursed to awardees on a reimbursement basis with documentation of incurred eligible project expenses. If actual project expenses are lower than the projected expenses of the project, as established in the applicant's budget, Commerce will reduce the amount of grant funds.

Applicants may be required to complete a technical document as part of the contract conditions sufficient to establish a reasonable and achievable scope of work that addresses the identified infrastructure deficiency. The technical document must include identification of a preferred alternative, cost estimates, and other project parameters typically established in a preliminary engineering report, preliminary architectural report, or similar technical report.

In order to provide the greatest opportunity to all applicants, if an awardee terminates or withdraws their award, Commerce may award any available funding to the next eligible applicant as identified on the grant prioritized list, so long as the authority to award continues to be available to Commerce, which may be restricted by HB 652 timeframes.

Applicants are encouraged to contact Division staff with any questions they have concerning application submittal and requirements related thereto. As applications are reviewed, Division staff may communicate with applicants to clarify information. Commerce is committed to assisting all eligible applicants applying to the DLA Program.

Match Requirements

Matching funds are not required but are encouraged to be included in the project activities to successfully address the local government infrastructure deficiency. If match is included in the project, sources of match must be used to complete project activities that support the proposed project as listed in the project application.

Environmental Review Procedures

DLA program grants are subject to the Montana Environmental Policy Act (MEPA). Grant projects must complete an environmental review process as a contract condition, after DLA funding is awarded. The portions of the environmental review process that must be complete include; Environmental Assessment Checklist, Environmental Review Form, and documentation of the final action taken by resolution or local decision. These environmental review processes and forms are detailed and available in the most current version of the TSEP Grant Application Guidelines found on the following webpage <http://comdev.mt.gov/programs/TSEP>.

MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant as part of the contract condition. For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at: <http://leg.mt.gov/css/Publications/environmental/default.asp> or <http://leg.mt.gov/css/services%20division/lepo/mepa/mepaforpublic.asp>

DLA APPLICATION INSTRUCTIONS

Section I.

1. Local Government Applicant: Enter the name of the local government requesting assistance.
2. Elected Official or Authorized Representative: Enter the name, title, mailing address, business telephone number, and email of the elected official or authorized representative for the applicant.
3. Primary Contact: Enter the name, title, mailing address, business telephone number, email of the primary contact for the applicant.
4. Project Type: Check the box to indicate the project type that will be assisted with grant funds.
5. Grant Funding Request Information: Enter the total amount requested in grant funding.
6. Priority Indicator: If the applicant will be submitting more than one application, please indicate a number which corresponds with the application priority ranking as determined by the applicant. This will assist Commerce to determine which proposed project is the highest priority to ensure Commerce complies with the \$1.5 million per county award ceiling.
7. Funding Sources: Enter the specific amounts of other funding sources that will be used to complete the project.
8. Description of infrastructure problem and proposed solution or activity to be completed: Briefly and concisely summarize the infrastructure need or deficiency and what activities will be completed. Specifically identify how the Delivering Local Assistance Program funds will be used to complete activities.
9. Certification: The Authorized Representative must sign the certification, agreeing to the conditions and submission of the application.

Section II.

Briefly and concisely respond to each individual question.

Section III.

Applicants must complete the Implementation Schedule and the Project Budget line items relevant to their project.

DLA GRANT APPLICATION

Section I

1. **Local Government Applicant:** _____
2. **Elected Official or Authorized Representative:** _____ Title: _____
Address: _____ City: _____ Zip Code: _____
Phone: _____ E-mail: _____
3. **Primary Contact:** _____ Title: _____
Address: _____ City: _____ Zip Code: _____
Phone: _____ E-mail: _____
4. **Project Type:**

- ☐ Water ☐ Wastewater ☐ Sanitary Sewer ☐ Storm Sewer ☐ Solid Waste/Disposal
- ☐ School District Project ☐ Bridges ☐ Facilities for government administration
- ☐ Publ. Safety: Fire ☐ Publ. Safety: Law Enforcement ☐ Publ. Safety: emergency services

5. Grant Funding Request Information Amount Requested: \$ _____ Total Amount of Leverage: \$ _____ Total Project Cost: \$ _____		6. Priority Indication: List project priority with 1 being the lowest priority and 5 being the highest priority Priority Request: _____		
7. Funding Sources				
Source	Type of Funds	Amount	Status of Commitment (provide documentation as applicable)	Rates and Terms (if applicable)
Delivering Local Assistance	Grant			

8. Description of infrastructure problem and proposed solution or activity to be completed

a. Infrastructure background and issue (please provide narrative response):

b. Description of proposed solution (please provide narrative response):

c. Description of application need (please provide narrative response):

9. Certification to Submit:

The undersigned authorized representative hereby certifies that (a) the information set forth in this application is correct to the best of his/her knowledge; (b) s/he has received, read, and understood these guidelines and agrees to comply with all requirements; (c) the elected officials of the local government have formally authorized the submittal of this application; (d) s/he has the authority to act on behalf of the applicant in submitting this application, and (e) agrees to comply with all applicable state or federal laws and statues associated with carrying out the project.

Signature

Date

Printed Name and Title

Section II

(Please limit your responses to no more than 500 words per question. Supporting documents or attachments are included in the word limit).

Please respond to questions.

Infrastructure Deficiency

1. Describe the urgency or severity of the deficiency that exists concerning the infrastructure system proposed improvements? Describe how the deficiency will be addressed by the proposed project. Will the deficiency be completely resolved by the proposed project?
2. Provide a description of the short-term and long-term consequences of “no-action”. Indicate any overall deficiencies that will remain after completion of the proposed project.
3. Is the project for preventive or deferred maintenance, or is the project solving a problem whose consequences have already been realized by the public? Please describe.
4. Has the system or project component been properly operated and maintained in the past? (Please provide results of the most recent inspection or report). Is an asset management plan or facility condition assessment report, or similar document been, utilized? Is a capital improvements plan utilized?
5.
 - a. Does the applicant’s proposed project fail to meet a state or federal health or safety standard or has an order or violation been issued from a state or federal agency? Please identify the standard(s), and provide supporting documentation of any order or violations issued against the applicant, and describe how the proposed project will enable the applicant to meet a state or federal health or safety standard.

AND/OR

- b. Does the applicant fail to meet code compliance or accreditation standards? Please identify the codes, accreditation or failure of compliance and describe how the proposed project will enable the applicant to meet the code or accreditation standards. Please provide supporting documentation for compliance, accreditation or code failure.
6. If applicable, describe how reclamation, mitigation, remediation, or protection of the environment completed will alleviate an existing problem and benefit the public and its urgency.
7. Describe the deficiency and if the project will provide service to an underserved or unserved area. Will the infrastructure be actively used and made available for publicly accessible service? If so, please describe any coordination at the local level.

Natural Resource Development Impact

1. Describe the impact of coal, oil, natural gas or timber development on the community.
 - a. Describe the type and level of impact the community is experiencing as it relates to coal, oil, natural gas, or timber development.
 - b. How many local government residents and businesses are directly and/or indirectly impacted by coal, oil, natural gas, or timber?
 - c. Is the proposed project directly related to the development of coal, oil, natural gas, or timber?
 - d. Is the current and/or future population impacted by this development? If so, how does this impact relate to the proposed project?
2. Is the coal, oil, natural gas, or timber development increasing or decreasing in the applicant’s community?
 - a. If the development is increasing, what is the current impact and forecasted impact to the community, its residents, and businesses.
 - b. If the development is decreasing, what is the current impact and forecasted impact to the community, its residents, and businesses.

Financial Capacity

1. Describe the applicant's previous experience with grant management by providing a list of projects administered by/for the applicant within the past seven years for the applicable system and indicate if those projects were successful and completed on time.
2. Will current user rates be increased as a result of the project, to repay debt or are current rates sustainable, if applicable?
3. Please provide a copy of the local government's current fiscal year budget and a copy of the past two fiscal year budgets. If the financial reports are unavailable, please submit copies of the Balance Sheet, Statement of Revenue and Expenditures, and current outstanding debt.
4. If the applicant is providing cash match, please provide a copy of the resolution obligating these funds. If the applicant is providing match as a grant or loan from another source, please indicate the timing necessary to secure and obligate the leveraged funds and any other relevant details or documentation.

Planning, design and cost estimate

1. In the context of the \$1.5 million maximum funds available per county, and \$750,000 million maximum funds available per local government, describe how the project fits into local prioritization and long term planning of necessary improvements.
2. Describe how local governments or jurisdictions within the county have coordinated. If possible, provide documentation of coordination efforts or communication.
3. Has the local government held public hearings regarding this project? If so, please describe the dates and times and describe the importance of the project to the community and the citizen or public benefits that will occur from the project. If a public hearing has not been held, please describe the importance of the project to the community and the citizen or public benefits that will occur from the project.
4. Are cost estimates being provided? Explain the how these estimates are reasonable and affordable to the community
5. Describe the likelihood and timing of receiving funds from each of the proposed funding sources that are indicated in your project budget. Indicate when construction is likely to occur.
6. Please describe how the proposed projects' design will thoroughly address the deficiency that exists.
7. Has a preliminary planning, such as a PER or PAR, been completed for the proposed project?
 - If yes, date it was completed? _____
 - If no, estimated date it will be completed? _____

Project readiness and implementation

1. Using the project's proposed implementation schedule, please provided any significant details that might impact the schedule (delay or accelerate the project) for the following tasks:
 - a. Firm Commitment of matching funds
 - b. Completion of a management plan (modified to address the procedures necessary to carry out the specific project activity)
 - c. Documentation of compliance with auditing and reporting requirements have been met
 - d. Documentation of compliant financial accounting system that generally conforms with generally accepted accounting principles
 - e. Satisfy any conditions described in the project TSEP application summaries established by the Commerce during the ranking process, if applicable,
 - f. Satisfy other specific requirements (such as a technical document or an environmental review process), and
 - g. Or other items identified in the project implementation schedule, such as environmental, procurement or other administrative tasks.
2. Please describe the environmental review process that has already been completed for the project and if any public comments were received.
 - a. If no environmental review process has been completed, please explain how this process may impact the applicant's ability to proceed with project activities.

- b. Does the project anticipate public concern or extended public comment periods when completing the environmental review process.
3. If the local government will secure its match through local bonds or debt elections, please describe the process and timeframe associated to secure the match funding.
4. Will the local government need to procure professional or non-professional services to complete the proposed project? If so, please describe what professional services will be procured and the timeframe to complete. If not, please describe what existing staff or professional services (that have already been procured) that will complete the proposed project.
5. Have plans and specifications been drafted for the proposed project?
6. Have plans and specifications been approved for the proposed project?
 - a. If yes, date they were approved by DEQ? _____
 - b. If no, estimated date they will be submitted to DEQ? _____
7. Have all necessary building permits been approved?
 - a. If yes, date(s) approved? _____
 - b. If no, estimated date they will be submitted for approval? _____

Scoring:

Max points for Deficiency - Imminent or urgent public health and safety issues exist. Problems that have adversely affected public health and safety have already occurred, or are likely to occur in the short-term. Max points for need could also be awarded if there appears to be a possibility of imminent cessation of services that users depend upon for health and safety, or economic viability. {30 points}

Medium points for Deficiency – Consequences attributable to the deficiencies may occur in the long-term if the deficiencies are not corrected. {20 points}

Minimum points for Deficiency – Project is generally for deferred or preventive maintenance. Consequences attributable to the deficiencies may occur at some point in the future if the deficiencies are not corrected. {10 points}

Max points for Impact – Greatest level of natural resource development, through either decline or increase, that has impacted the local government as a result of recent natural resource development. Applicant has a demonstrated impact both direct and indirectly for all segments of the community. Project is directly impacted by the decrease or increase of coal, oil, natural gas, or timber development. Narrative and documentation was provided to clearly demonstrate impact. Level of increased or decreased impact is significant. {25 points}

Medium points for Impact - Moderate level of natural resource development, through either decline or increase, that has impacted the local government as a result of recent natural resource development. Applicant has a demonstrated impact direct for some portions or most segments of the community. Project is directly or indirectly impacted by the decrease or increase of coal, oil, natural gas, or timber development. Narration and documentation provided was sufficient to reasonably demonstrate impact. Level of increased or decreased impact is average. {15 points}

Minimum points for Impact – Minor level of natural resource development, through either decline or increase, that has impacted the local government as a result of natural resource development, either recent or long term. Applicant has a demonstrated indirect impact for some segments of the community. Project is directly impacted by the decrease or increase of coal, oil, natural gas or timber development. Minimal narration was provided to adequately demonstrate impact. Level of increased or decreased impact is minor. {5 points}

Max points for Capacity – Applicant is current with audits. Applicant has a demonstrated history of successfully managing and implementing grants for this system. User rates, if applicable, appear to be sustainable. Long-term planning and operation and maintenance practices appear to be good. {10 points}

Medium points for Capacity - Applicant is current with audits. Applicant has a demonstrated history of adequately managing and implementing grants for this system. User rates, if applicable, appear to be sustainable. O&M and planning practices appear to be adequate. {5 points}

Minimum points for Capacity – Applicant is not current with audits, or has a history of being unsuccessful in managing and implementing grants for this system. User rates, if applicable, appear to not be sustainable. O&M and planning practices appear to be questionable. {1 point}

Maximum points for Planning and Design – Project is clearly a high priority and coordination between local entities is demonstrated and documented, long term planning goals will be met, funding proposal is in place and ready to proceed. {20 points}

Medium points for Planning and Design – Project reflects moderate priority, coordination, efforts to meet long term planning goals, funding proposal may encounter problems. {10 points}

Minimum points for Planning and Design - Project lacks priority, coordination, meeting long term plans, funding proposal is unlikely to be successful, not thoroughly assessed or has funding gaps. {5 points}

Maximum points for Readiness and Implementation to meet conditions – Project is ready to move forward, completion timeframe does not identify anticipated delays. {15 points}

Medium points for Readiness and Implementation to meet conditions – Project has ability to move forward and meet conditions, may experience delays. {7 points}

Minimum points for Readiness and Implementation to meet conditions - Project appears it may likely encounter delays, not prepared to move forward. {2 points}

SECTION III

1. Complete the implementation schedule, detailing project timelines, milestones, and completion dates.
2. Complete the preliminary project budget, detailing total project costs and sources of funding.

DRAFT

IMPLEMENTATION SCHEDULE

(Please modify the implementation schedule tasks to best reflect specific project details)

TASK (as applicable)	QUARTERS, 20--				QUARTERS, 20--			
	1st J F M	2nd A M J	3rd J A S	4th O N D	1st J F M	2nd A M J	3rd J A S	4th O N D
START-UP CONDITIONS								
Completion of Section 6(1)								
PROJECT DESIGN								
Complete preliminary technical document								
Commence Final Design								
Complete Final Project Design								
Submit Plans to appropriate agency								
Select Bond Counsel								
Conduct debt election								
PRE-CONSTRUCTION								
Prepare Bid Documents								
Complete relevant funding agreements								
Public Bid Advertisement								
Open Bids & Examine Proposals								
Select Contractor & Award Bid								
Issue Notice to Proceed to Contractor								
PROJECT CONSTRUCTION								
Begin Construction								
Monitor Construction Work								
Conduct Labor Compliance Reviews								
Final Inspection								
PROJECT CLOSE OUT								
Closeout documents								
Project Completion Report								
Submit Final Certification								

PROJECT BUDGET

(Please modify the budget line items to best reflect specific project details)

ADMINISTRATION	Source: Local Infrastructure Grants	Source	Source	TOTAL
Professional Services				
Legal Costs				
Travel & Training				
Bond Costs				
TOTAL ADMINISTRATION				
CONSTRUCTION RELATED ACTIVITIES				
Preliminary Design				
Final Design				
Construction Inspection Eng.				
Construction				
Contingency				
TOTAL ACTIVITY				
TOTAL PROJECT BUDGET				